



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO #06-02

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-03-134; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: The Department of Ecology is proposing to:

1. Create a new chapter, WAC 173-180 Facility Oil Handling Standards, to consolidate four existing chapters (WAC 170-180A, 173-180B, 173-180C, and 173-180D). In addition to this consolidation, Ecology is also proposing new requirements for oil transfer operations.
2. Amend WAC 317-40 Bunkering Operations to update existing requirements and incorporate new oil transfer requirements for vessels transferring oil. The new title for this chapter will be Vessel Oil Transfer Standards.

## Hearing location(s):

See attached document

## Submit written comments to:

Name: Jason Reichert  
Address: Department of Ecology  
P.O. Box 47600, Olympia, WA 98504-7600  
E-mail: [oiltransferrule@ecy.wa.gov](mailto:oiltransferrule@ecy.wa.gov)  
Phone number: (360) 407-7390  
Fax: (360) 407-7288 Received by 5 p.m. on July 26, 2006.

Date: See attached document Time:

## Assistance for persons with disabilities: Contact

Date of intended adoption: September 25, 2006

(Note: This is NOT the effective date)

Susanne McLemore by July 5, 2006

TTY (800) 833-6388

## Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this proposal is to implement the oil transfer requirements of RCW 88.46.160 and the related changes reflected in Chapter 316, 2006 Laws by:

- Creating a new chapter (WAC 173-180 Facility Oil Handling Standards) that sets new requirements for Class 1, 2, 3, and 4 facilities. The four existing chapters will be repealed at a later date.
- Amending chapter 317-40 WAC to add new requirements for non-recreational vessels delivering and receiving oil

The two rules will set new oil spill prevention, response, and recovery standards for oil transfer operations that occur "over the water" to or from vessels operating in state waters.

The proposed rules would require advance notice of oil transfers, increased communications, personnel training, and other oil spill prevention measures. In addition, certain persons delivering oil would be required to deploy spill containment equipment prior to the transfer of oil, as well as employ alternative measures if pre-booming is not safe and effective.

The new rules affect certain businesses that transfer oil in bulk to or from non-recreational vessels. These businesses may include mobile facilities (tank truck or rail cars), marinas, small waterfront facilities, oil tank vessels, and any other entity delivering oil over waters of the state.

**Reasons supporting proposal:** The Legislature adopted a zero spill goal and established oil transfer requirements in RCW 88.46.160 and Chapter 316, 2006 Laws. This rule-making implements this legislative direction to prevent, contain, and recover spills from oil transfer operations.

**Statutory authority for adoption:** RCW 88.46.160 and RCW 90.56 and Chapter 316, 2006 Laws.

**Statute being implemented:** RCW 88.46.160 and RCW 90.56 and Chapter 316, 2006 Laws (which adds new sections to Chapter 88.46).

## Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No  
Federal Court Decision? ☐ Yes ☒ No  
State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

DATE

6/6/06

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director

## CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUN 7 2006

TIME

1029

WSR

06-12-119

AM  
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: Department of Ecology Spill Prevention, Preparedness & Response Program

☐ Private  
☐ Public  
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jason Reichert	Department of Ecology, 300 Desmond Dr., Lacey ,WA 98503	(360) 407-7390
Implementation..... Dale Jensen	Department of Ecology, 300 Desmond Dr., Lacey ,WA 98503	(360) 407-7450
Enforcement..... Dale Jensen	Department of Ecology, 300 Desmond Dr., Lacey ,WA 98503	(360) 407-7450

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Washington State Department of Ecology  
Attn: Jason Reichert

Address: P.O. Box 47600  
Olympia, WA 98504-7600

phone (360) 407-7390

fax (360) 407-7288

e-mail [oiltransferrule@ecy.wa.gov](mailto:oiltransferrule@ecy.wa.gov)

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Washington State Department of Ecology  
Attn: Jason Reichert

Address: P.O. Box 47600  
Olympia, WA 98504-7600

phone (360) 407-7390

fax (360) 407-7288

e-mail [oiltransferrule@ecy.wa.gov](mailto:oiltransferrule@ecy.wa.gov)

☐ No: Please explain:



**OIL TRANSFER RULES  
Public Hearings Schedule  
July 11-19**

Date	City	Location	Room	Address	Start Time
July 11, 2006	PASCO	Columbia Basin College	Gjerde Center	2600 N 20 <sup>th</sup> Ave Pasco, WA 99301  Contact Info: 509-547-0511 x 2240	1:00 PM
July 13, 2006	VANCOUVER	Washington State University- Vancouver Campus	Student Services Building-Room 129-130	14204 NE Salmon Creek Ave Vancouver, WA 98686  Contact Info: 360-546-9588	1:00 PM
July 15, 2006	PORT ANGELES	City Council Chambers	Main Chamber Room	321 E 5 <sup>th</sup> ST Port Angeles, WA 98362  Contact Info: 360-457-0411	1:00 PM
July 18, 2006	BELLINGHAM	Hampton Inn	Fox Hall	3985 Bennett Drive Bellingham, WA 98225  Contact Info: 360-676-7700	1:00 PM
July 19, 2006	SEATAC	Highline Community College	Building 7	2400 S 240 <sup>th</sup> Des Moines, WA 98198  Contact Info: 206-878-3710	1:00 PM